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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,546	07/22/1999	TORU OZAKI	6141990	1702

21171 7590 05/05/2004

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WASHINGTON, DC 20005

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 05/05/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,546

Applicant(s)

OZAKI ET AL.

Examiner

Charles Chow

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13,15-19 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-11,13 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>13; 4/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

*Office Action for Amendment
Received on 2/20/2004*

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 26 has the amended subject matter for, wherein the present state of feeling of the user excludes a selection of specific services or contents or a request for a list of available services or content, which is a new matter, and which is not described, supported, in the specification for the enablement. See MPEP 2106.02. Under the situation when the above claimed features are removed from claim 26, the previous office action mailed on 11/21/2003 shall be applied.

Claims Allowable

2. Claims 1-2, 5-11,13, 15-19 are allowable over the prior art of record.

The following is the examiner's statement for the reasons of allowance:

Claims 1-2, 5-11,13,15-19, 26 are allowable over the prior art of record because the cited references fails to disclose singly, particularly, or in combination, the subject matter, having a priority date of 12/18/1998, for a portable communication device for communicating with a remote communication terminal, being configured and arranged to be used in a digital money system, having the remote communication terminal to remotely communicate via the

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wireless link to the base station. The system also comprises a short distance infrared communication interface for linking wireless communication with a communication terminal located at a point of transaction involving digital money, a inputting unit for inputting data or instruction to portable communication device, a memory, a display, an enciphering and deciphering circuit, a controlling unit, where the enciphering and deciphering is changed by changing the software installed in said enciphering/deciphering processor (claims 1, 5, 13), the inputting means, specific key, for inputting user state of feeling regarding user's state of feeling, to service center by remote communication means and service center sends the stored message to user regarding the user's state of feeling (claim 13). The dependent claims are also allowable due to their dependency upon the independent claims.

The closest patent to Takayama-'133 B1 teaches the similar system (Fig 1) for a digital service providing system 102, a settlement system 103, a payment means 100, a payment charging means 101 (abstract; col. 4, lines 15-33; col. 43, line 59 to col. 44, line 31), a credit card payment settlement which is different from present invention using digital money.

However, Takayama does not teach the changing enciphering/deciphering method which is changed by changing software installed in said enciphering/deciphering processor and the inputting of user's present state of feeling.

Other prior arts in below has been considered, but they do not teach the above claimed features.

Nohda'-875 B1 teaches a technique to update the program for ciphering and decrypting.

Watts-'749 A2 teaches the voice inputting device and key pad for inputting money data information for the payment.

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Loder-'720 teaches a Subscriber Identification Module SIM for storing the amount paid before, prepaid, in the SIM, and the controlling of the payment record decrease according to the tariff rate before reaching to the minimum money value in the SIM.

Vatanen-'890 B1 teaches a payment terminal utilizes the GSM-network to produce customer a receipt and to record transactions in cash register by utilizing software booking.

Barabash et al.-'378 teaches the maintaining a user balance, and the periodically sending/ displaying of the balance on a mobile unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "comments on statement of reasons for allowance".

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

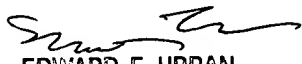
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow *C.C.*

April 16, 2004.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600